

Capt. Leonard Franklin Harman, Air Corps (temporary colonel), subject to examination required by law.

Capt. Kingston Eric Tibbetts, Air Corps (temporary colonel).

Capt. Richard Henry Lee, Air Corps (temporary colonel).

Capt. Robert Wilson Stewart, Air Corps (temporary colonel).

Capt. Lewis R. Parker, Air Corps (temporary colonel).

Capt. William Maurice Morgan, Air Corps (temporary colonel).

Capt. Richard Irvine Dugan, Air Corps (temporary colonel).

Capt. Edwin Minor Day, Air Corps (temporary colonel).

Capt. Jack Weston Wood, Air Corps (temporary colonel).

Capt. James Herbert Wallace, Air Corps (temporary colonel).

MEDICAL CORPS

To be major

Capt. William Warren Roe, Jr., Medical Corps (temporary colonel), with rank from May 13, 1946.

To be captain

First Lt. Wayne Peter Beardsley, Medical Corps (temporary captain), with rank from May 3, 1946, subject to examination required by law.

VETERINARY CORPS

To be colonel

Lt. Col. Frank Marion Lee, Veterinary Corps (temporary colonel), with rank from May 16, 1946.

CHAPLAINS

To be lieutenant colonel

Chaplain (Maj.) James Hugh O'Neill, United States Army (temporary colonel), with rank from May 11, 1946, subject to examination required by law.

To be major

Chaplain (Capt.) William Lewis Cooper, United States Army (temporary major), with rank from May 14, 1946.

UNITED STATES PUBLIC HEALTH SERVICE

The following-named candidate for appointment in the Regular Corps of the United States Public Health Service:

Thomas A. Foster to be pharmacist, effective date of oath of office.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 22 (legislative day of March 5), 1946:

UNITED NATIONS

SECURITY COUNCIL

Herschel V. Johnson to be Deputy Representative of the United States of America, with the rank and status of Envoy Extraordinary and Minister Plenipotentiary, in the Security Council of the United Nations.

FOREIGN SERVICE

George V. Allen to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Iran.

SENATE

TUESDAY, APRIL 23, 1946

(Legislative day of Tuesday, March 5, 1946)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

Our Father God, fountain of all life, source of all blessing, whose infinite mind dwells behind the shadows and in the shadows, and whose heart of love pulses beyond the stars, at this noontide altar of a nation's faith we seek Thy guidance and a sense of Thy nearness. As we face the cares of today and the burdens of tomorrow, we are bewildered by the perplexity and the confusion of the world. When appalling human needs make this a time for greatness, save us from the devices and the duplicity of cowardly compromise, as evil enticements lie in wait to silence our consciences. Deliver us from the sophistries of the cynical and the inclinations of our own hearts to self-deceit.

As our starry banner flutters nearer to the earth in grief for the translation of a great public servant, reminding us that in the midst of life we are in death; like him whose earthly labor is ended, may we do our work to the last in sincerity, tranquillity, and self-effacement. In the dear Redeemer's name. Amen.

DEATH OF THE CHIEF JUSTICE OF THE UNITED STATES

The PRESIDENT pro tempore. The Chair lays before the Senate a letter from Hugo L. Black, senior Associate Justice of the Supreme Court of the United States, which will be read.

The Chief Clerk read as follows:

SUPREME COURT OF THE UNITED STATES,
Washington, D. C., April 23, 1946.

Hon. KENNETH MCKELLAR,
President pro tempore of the Senate,
Washington, D. C.

SIR: I am directed by the Supreme Court of the United States to notify the Senate through you that the Chief Justice of the United States died in this city at 6:45 p. m. yesterday.

I have the honor to be,
Yours very respectfully,

HUGO L. BLACK,
Senior Associate Justice.

Mr. BARKLEY. Mr. President, I send to the desk a resolution and ask unanimous consent for its present consideration.

The PRESIDENT pro tempore. The resolution will be read.

The Chief Clerk read the resolution (S. Res. 263), as follows:

Resolved, That a committee of six Senators be appointed by the President pro tempore to attend the funeral of the late Chief Justice and to take such other steps as may be necessary in regard to the funeral ceremonies.

Mr. BARKLEY. Mr. President, before the adoption of the resolution I wish to utter a few words of profound sorrow over the news which we have officially received from the Supreme Court and which we had already received from other sources concerning the death of Chief Justice Stone.

Mr. President, there are no words of which I am capable that could under the circumstances adequately portray either the high respect in which Chief Justice Stone was held or the profound grief which at this hour we, as well as all America, experience over his unfortunate death.

There have been, Mr. President, great men who have sat on the highest Court of this great Nation. Some of them have

not always been Chief Justices; some of them have been Associate Justices. It is not my purpose to assess the relative value of the services rendered by the Chief Justices of the United States or by the Associate Justices of the United States; but I believe I am well within the bounds of truth when I say that no Associate Justice or Chief Justice within my recollection held a more abiding place in the affections of the American people and in the affections of all those who knew him intimately and personally than did Chief Justice Stone.

In the providence of Almighty God human events take on a form of mystery. All through the years men who were regarded as being almost indispensable, men who could least be spared by their country and their associates, have passed on after long and lingering illnesses, or suddenly, as in the case of Chief Justice Stone. Somehow or other, God Almighty always provides that there shall be remaining men of distinction and ability to carry on and lead the forces of democracy and of righteousness in whatever office or profession or calling the departed ones may have served, but they always leave in the pathway which they have trod footprints that are ineffaceable and that cannot be marked out, footprints that are not made in the shifting sands of the seashore, but upon the firm solid rock of integrity, durable, perpetual, noble, and inspiring.

Such a man was Chief Justice Stone. A great lawyer in his chosen profession, a man of wide knowledge in various fields of human activity, a great judge, a great Chief Justice. But even though he possessed these great qualities we like to think of Chief Justice Stone as a great man and a great friend. He had the quality of kindling confidence among those who knew him. He had a warm and affable personality. He had a wide conception of the problems that face our country and our civilization and the day in which we live.

His contribution during the past 20 years to the interpretation of our institutions, and to their jurisdictional, legal, and legislative solidarity and perpetuity has been outstanding, and proclaimed him to be one of the greatest public servants within the generation in which we live.

I mourn the departure of the Chief Justice as a personal friend. I admired him greatly for his human qualities, for his judicial poise and temperament, for his human understanding, and for the confidence in our institutions which he inspired, not only from the bench but in the social and personal connections which we all enjoyed and have enjoyed for the past two decades.

Mr. President, I am sure I speak the sentiments of the Senate when I say his family and his friends have our deepest sympathy. May the richest blessings of God Almighty rest with them during the remainder of their days and make more hallowed as the years go by the sacred memory of his life.

Mr. WAGNER. Mr. President, I was deeply shocked to hear of the sudden death last night of Chief Justice Stone. As one who has had the privilege of knowing Harlan Fiske Stone for many

years, I feel impelled at this time to say a few words in tribute to his memory.

Twenty-two years ago, in April 1924, Harlan Fiske Stone was appointed a Justice of the Supreme Court of the United States. He came to that high office well equipped, having served since 1910 as Kent professor of law at Columbia University. As dean of the Columbia University School of Law, Mr. Stone made an inestimable contribution toward raising the standards of the legal profession, through advances in legal education. He intensely disliked unnecessary complexities and obfuscation, and he constantly taught and strove for simplification in the law.

In 1924 Harlan Fiske Stone came to the Supreme Court with a well-earned reputation for knowledge of the law and maturity of judgment. Had he possessed only these qualities he would still have been a good judge. But Justice Stone possessed other and more important qualities, which revealed themselves to a grateful people early in his career on the bench. He was steadfastly and unswervingly devoted to the principles of American democracy, and he was thoroughly honest in his analysis of the complex problems with which he dealt. It is to his everlasting credit that he saw clearly the need for interpreting the law of the land in the light of new facts and changing conditions.

His was no rigid conception of the functions of the Supreme Court, nor did he adhere slavishly to precedents, however great, when they stood in the way of the forward march of our American democracy. His belief in the right of a majority of the people to choose their own destiny through their elected representatives was profound and unshakable. Thus, in his minority opinion on the validity of the original farm act he expressed his profound conviction that it was not the business of the courts to sit in judgment on the wisdom of legislative action. In this he followed in the tradition of three great Justices, Oliver Wendell Holmes, Louis Brandeis, and Benjamin Cardozo.

When others of Justice Stone's political faith were reviling the new deal statutes enacted under the leadership of Franklin Delano Roosevelt, and were urging the Supreme Court to hold these unconstitutional, Justice Stone steadfastly adhered to the path of judicial greatness and refused to let his prejudices obscure the truth. Thus he wrote the opinion upholding the Railway Labor Act, compelling railroads to bargain collectively with their employees. Thus he joined the majority of the Court in upholding unemployment insurance, old age pensions, and auxiliary State laws to implement the Social Security Act. I state these merely as instances of the man's democratic instincts, and his understanding of the needs of the time in which he lived.

On June 2, 1941, Chief Justice Hughes, then in his seventy-ninth year, wrote to President Roosevelt that he was retiring out of "considerations of health and age." Ten days later, President Roosevelt named Justice Stone Chief Justice of the United States. This choice was uni-

versally approved, and was hailed throughout the country as an excellent appointment which would maintain the prestige and dignity of the Court. The faith of President Roosevelt, the Senate, and the people of the United States in the character, intelligence, wisdom, and intellect of the new Chief Justice proved to be completely justified. During five difficult years, Chief Justice Stone devoted his heart and soul to the responsibilities of his great office. He discharged those responsibilities to the best of his abilities, and his abilities were of the highest order. Today the State of New York, which I have the honor in part to represent, grieves the loss of an adopted son, and the entire Nation pays tribute to a great Chief Justice. His death is an irreparable loss. The memory of his devoted service to the Nation will last forever.

Mr. WHITE. Mr. President, we all regret the passing of the great Chief Justice of the United States, Harlan Fiske Stone. We of New England held the Chief Justice in special and peculiar affection, and we had for him the greatest of respect. He was born in New Hampshire. He graduated from a Massachusetts college. He had a summer home on the coast of Maine, and we have thought that in his life and in his works he reflected in unusual degree the qualities of mind and the character of our people, and a governmental philosophy which commands widest approval in our part of the United States.

Chief Justice Stone's life was chiefly devoted to the study, the practice, and the interpretation of the law but he had other interests in which he found joy and inspiration. He made other and great contributions, to the arts, to science, and to literature.

In his early life the Chief Justice was a teacher and a brilliant and successful practitioner of the law. His great contribution to our country, however, was as a member of the judiciary of the United States.

The Chief Justice believed in the legislative branch of our Government. He looked expectantly to the representatives of the people in Congress assembled to declare policy and to enact laws. He believed profoundly that it was the function of the Court of which he was Chief Justice to interpret congressional legislation, and he battled against the assumption by courts of the law-making function. This conception of the judicial right and the judicial obligation distinguished the judicial life of the Chief Justice.

Mr. President, Chief Justice Stone was a public spirited and upright citizen; a brilliant member of the bar; a learned and just judge; a great American. The Court's loss and the country's loss in his death seem irreparable. I feel a sense of personal grief. In behalf of the minority of the Senate, I extend assurances to his family of our deep and abiding sympathy.

Mr. BARKLEY. Mr. President, if I may for just a moment interrupt the eulogies, in view of the fact that the Senate had a special order for today which we cannot carry out, namely, con-

sideration of the conference report, I ask unanimous consent that the consideration of the report be postponed until 12 o'clock noon on Tuesday next.

The PRESIDENT pro tempore. Without objection, it so ordered.

Mr. TOBEY. Mr. President, I rise to pay the tribute of the State of New Hampshire to the memory of her son, Harlan Fiske Stone, the late Chief Justice of the United States. Harlan Stone was born in one of the smallest towns in the State of New Hampshire, the little town of Chesterfield, and married a Chesterfield girl before he started out on his great career. He brought glory and honor to his native State and to the Nation at large.

I recall him so many times in social gatherings, and those who have met him and grasped his hand always noted one real characteristic, the twinkle in the man's eyes, and his strong vein of humor.

As a member of the Supreme Court Chief Justice Stone interpreted the Constitution liberally. He interpreted the Constitution in the interest of his fellow men, believing human life to be more important than things; and I honor him for it.

Men say that Harlan Stone is dead. I dispute that. Harlan Stone lives in blessed memory, in the hearts of his friends and countrymen. The poet was right when he said so beautifully—and it applied to Chief Justice Stone:

A good man never dies—
In worthy deed and prayer,
And helpful hands, and honest eyes,
If smiles or tears be there:
Who lives for you and me—
Lives for the world he tries
To help—he lives eternally.
A good man never dies.

Such a man was Harlan Stone, and he will live on down through the years in blessed memory in the hearts of his countrymen.

God rest his soul, and bless and comfort his devoted wife.

Mr. WILLIS. Mr. President, I did not have the pleasure of an intimate acquaintanceship with Chief Justice Stone. I am not, as so many other Senators are, schooled in the law, the philosophy of which is often so eloquently expressed by those in the Chamber who are members of the legal profession. But as a humble American citizen of a fundamentally American State there is just one thought I should like to impress upon this body and upon the country today. Chief Justice Stone in the last moments of his life gave utterance to a philosophy which sometimes we have lost sight of in these latter years but which we should remember all the days of our lives. In a dissenting opinion handed down by him yesterday he spoke words which seem to me to be almost dramatic in their timing and their bearing. They were to the effect that only the Congress can make the law, and the Supreme Court must not be guided by its own idea of what the law ought to be.

The great rule of his philosophy of the law was that Congress makes the law, and that the Supreme Court must follow it. The last words of his last opinion

handed down yesterday are highly impressive words, and I now place them in the RECORD, as follows:

It is not the function of this Court to disregard the will of Congress in the exercise of its constitutional power.

If Chief Justice Stone had contributed nothing else to our American philosophy, those words alone would be worth the life which he nobly and inspiringly lived.

I have risen to pay my tribute and that of the State of Indiana to this great man and to give our endorsement and approval to these wonderful words he spoke in sustaining the philosophy of the American way of life.

Mr. McCARRAN. Mr. President, speaking for those who are members of the committee of the Senate which deals with the law, I would say a word, because I realize, as, I think, all the Members of this great body must of necessity realize, that this great man by the hand of his Maker has been called from this world at a most untimely hour. In my judgment there was never a time in the history of America when men of the type of Chief Justice Stone were so much needed as they are today.

To him the Constitution of the United States was a sacred document of government, and yet it was not a static instrument. In expanding that instrument, however, his every word explained that he was animated by a zeal and a fervor to preserve and guard it in the finest things for which it speaks. He was at all times in his every utterance a progressive American, realizing the confines of the instrument which created the great tribunal over which he presided as Chief Justice of the United States. In his every expression he showed himself to be a lover of constitutional government, but, above all, he recognized the rights of the people to speak for themselves in respect to the mandates that would govern them.

So when the world so desperately needs men of his type, it is indeed an untimely hour when he is called away.

But, thanks be to God, he leaves behind him the fine thoughts written into the instruments coming from his pen that will, we hope, in these troublous times guide us into a tranquil sea. May his love of constitutional authority prevail to preserve America, so that civilization may endure and develop in the centuries to come.

The PRESIDENT pro tempore. The question is on agreeing to the resolution submitted by the Senator from Kentucky [Mr. BARKLEY].

The resolution was unanimously agreed to.

The PRESIDENT pro tempore. The Chair appoints as the committee the Senator from Kentucky [Mr. BARKLEY], the Senator from Nevada [Mr. McCARRAN], the Senator from New York [Mr. WAGNER], the Senator from Maine [Mr. WHITE], the Senator from Wisconsin [Mr. WILEY], and the Senator from New Hampshire [Mr. TOBEY].

RECESS

Mr. BARKLEY. As a further mark of respect to the memory of the late Chief Justice, I move that the Senate now take a recess until 12 o'clock noon tomorrow.

The motion was unanimously agreed to; and (at 12 o'clock and 28 minutes p. m.) the Senate took a recess until tomorrow, Wednesday, April 24, 1946, at 12 o'clock meridian.

SENATE

WEDNESDAY, APRIL 24, 1946

(Legislative day of Tuesday, March 5, 1946)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Rev. Emory Stevens Bucke, editor, Zion's Herald, Boston, Mass., offered the following prayer:

Great and good God, Thou who has endowed all men with a chance for greatness, give us the will to know Thy will.

Thou who hast made us stewards of brotherhood under Thy fatherhood, bless our Nation and the nations of the world, that Thy children may regain a sense of moral responsibility.

We pray for these servants of Thy children. Make this a truly great body because of the revelation of Thy will. Gird them up and make them strong that the Nation may take its rightful place in restoring a broken and disillusioned world.

Give us the power to aid the suffering millions of the world. Help us to realize that no man liveth unto himself and that the welfare of all determines the welfare of each.

Forgive us our sins, confirm us in Thy love, and may Thy will be done through the United Nations. This we pray in Thy name. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar days Monday, April 22, 1946, and Tuesday, April 23, 1946, was dispensed with, and the Journal was approved.

TRIBUTE TO THE LATE CHIEF JUSTICE STONE

Mr. SMITH. Mr. President, it was a great regret to me that when the Senate convened yesterday I was attending a meeting of the Committee on Military Affairs, and was therefore unable to be present in the Senate at the time when tribute was paid to my beloved friend, the distinguished late Chief Justice of the United States.

At this time I merely wish to take the opportunity to express my own sense of loss in the passing of this great jurist. He was not only a great jurist, but in my case had been a lifelong friend. I attended the Columbia Law School some years ago when Mr. Justice Stone was an instructor in law there, and he was one of the first men to inspire me with an interest in the affairs of our country and our legal system.

I felt that I must add this word of brief tribute to the memory of the late Chief Justice, and this expression of the great affection I have borne for him and Mrs. Stone during a great portion of my life.

LEAVE OF ABSENCE

Mr. BUTLER. Mr. President, I ask unanimous consent of the Senate to be absent from attendance at the sessions of the Senate for a few days.

The PRESIDENT pro tempore. Without objection, leave is granted.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on April 22, 1946, he had presented to the President of the United States the following enrolled bills:

S. 1152. An act to effectuate the purposes of the Servicemen's Readjustment Act of 1944 in the District of Columbia, and for other purposes;

S. 1610. An act for the rehabilitation of the Philippines; and

S. 1757. An act to amend the Surplus Property Act of 1944 with reference to veterans' preference, and for other purposes.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

AUTHORIZATION FOR UNITED STATES PARK POLICE TO MAKE CERTAIN ARRESTS WITHIN THE DISTRICT OF COLUMBIA

A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to authorize the United States Park Police to make arrests within Federal reservations in the environs of the District of Columbia (with an accompanying paper); to the Committee on Public Buildings and Grounds.

LEGISLATION PASSED BY MUNICIPAL COUNCIL OF ST. THOMAS AND ST. JOHN, AND LEGISLATIVE ASSEMBLY OF THE VIRGIN ISLANDS

A letter from the Secretary of the Interior, transmitting, pursuant to law, copies of legislation passed by the Municipal Council of St. Thomas and St. John, and by the Legislative Assembly of the Virgin Islands (with accompanying papers); to the Committee on Territories and Insular Affairs.

AMENDMENT OF CLASSIFICATION ACT OF 1923

A letter from the President of the United States Civil Service Commission, transmitting a draft of proposed legislation further to amend the Classification Act of 1923, as amended; to bring about uniformity and coordination in the allocation of field and departmental positions under the grades of the Classification Act of 1923, as amended, and for other purposes (with an accompanying paper); to the Committee on Civil Service.

REPORT OF BOARD OF TRUSTEES OF FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND

A letter from the Board of Trustees of the Federal old-age and survivors insurance trust fund, transmitting, pursuant to law, the sixth annual report of that Board of Trustees, for the fiscal year ended June 30, 1945 (with an accompanying report); to the Committee on Finance.

COMPLETION OF PAN-AMERICAN HIGHWAY

The PRESIDENT pro tempore laid before the Senate a letter from the Secretary of State, transmitting translations of certain documents, which were referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

DEPARTMENT OF STATE,

Washington, April 19, 1946.

The Honorable KENNETH MCKELLAR,

President pro tempore,

United States Senate.

MY DEAR SENATOR MCKELLAR: I am transmitting herewith copies of a translation of a